

Exhibit 1

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 23-21912-CIV-MORENO

DANIEL HARPER, *et al.*, on behalf of himself
and all others similarly situated,

Plaintiffs,

vs.

SHAQUILLE O'NEAL, ASTRALS LLC,
ASTRALS HOLDING, LLC, and ASTRALS
OPERATIONS LLC,

Defendants.

ORDER STRIKING PLAINTIFFS' EXPERT REPORT


Defendants move to strike Plaintiffs' expert report. Plaintiffs respond that there is no "inflexible rule" governing what may be attached to a pleading, and other courts have reached the opposite conclusion. The Court agrees in part with Defendants and strikes the report accordingly. As Defendants note, the only legal expert will be the Court, with the assistance of the excellent attorney arguments on appropriate statutory, and case law. Professor Reiners' expert testimony that includes legal conclusions will be stricken. *E.g., Cook ex rel. Estate of Tessier v. Sheriff of Monroe Cnty., Fla.*, 402 F.3d 1092, 1112 n.8 (11th Cir. 2005) ("[T]estifying experts may not offer legal conclusions."); *In re Rosenberg*, 2012 WL 3870351, at *2 (S.D. Fla. Bankr. 2012) (An expert may not "testify" about legal opinions, because that would usurp the court's role and could confuse the jury). Thus, all portions of the report that opine on and analyze whether Astrals are unregistered investment contracts must be stricken. The portions of the report that cover

governance or non-fungible tokens generally are not necessarily stricken but may become relevant at a later stage of the proceeding.

CONCLUSION

Accordingly, it is **ORDERED AND ADJUDGED** that Defendants' Motion to Strike Plaintiffs' Expert Report is **GRANTED IN PART AND DENIED IN PART** consistent with this Order.

DONE AND ORDERED in Chambers at Miami, Florida, this 15 of August 2024.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record